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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,870	02/27/2004	Vadim Fux	555255012558	7232

89441   7590   09/01/2010
Jones Day (RIM) - 2N
North Point
901 Lakeside Avenue
Cleveland, OH 44114

EXAMINER
PATEL, MANGLESH M

ART UNIT	PAPER NUMBER
2178	

NOTIFICATION DATE	DELIVERY MODE
09/01/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

dlpejeau@jonesday.com
portfolioprosecution@rim.com

	Application No.	Applicant(s)
	10/788,870	FUX ET AL.
Office Action Summary	Examiner	Art Unit	
	MANGLESH M. PATEL	2178	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _18 June 2010_.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _24 and 26-42_ is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _24 and 26-42_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a) ☐ All b) ☐ Some * c) ☐ None of:

  1. ☐ Certified copies of the priority documents have been received.

  2. ☐ Certified copies of the priority documents have been received in Application No. _____.

  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   This **Second** **Non-Final** action is responsive to the response filed on 6/18/2010.

2.   In the response Claims 24 and 26-42 remain pending. Claims 24, 31, 34 and 40 are the

independent claims.

Withdrawn Rejections

3.   The 35 U.S.C. 103(a) rejections of claims 24 and 26-42 with cited reference of Shiimori

(U.S. 7,010,587) has been withdrawn in light of the persuasive arguments.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or
> described as set forth in section 102 of this title, if the differences between the subject
> matter sought to be patented and the prior art are such that the subject matter as a whole
> would have been obvious at the time the invention was made to a person having ordinary
> skill in the art to which said subject matter pertains. Patentability shall not be negatived
> by the manner in which the invention was made.

5.   Claims 24 and 26-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Shiimori (U.S. 7,010,587, filed Aug. 21, 2000, previously cited in the action dated 2/27/2009)

further in view of Adler (U.S. 7,155,672, filed May 23, 2000, previously cited in the action dated

4/7/2008).

Regarding Independent claim 24, Shiimori discloses A method performed by a server, comprising: (i) storing a client profile, the client profile comprising a font capabilities list for each of multiple client devices, each font capabilities list comprising a list of fonts for which the device has font structure data, the font structure data defining the structure in which text formatted with the respective font is to be rendered (see abstract & fig 10 & column 4, lines 16-67, disclosing a font capabilities list for each of multiple client devices and respective OS); (ii) receiving text data addressed to a designated one of the devices, the text data comprising text and font identifiers, the font identifiers identifying which fonts to use to render the text (fig 10, numeral 92, disclosing receiving text data that includes text and font identifiers such as the font name based on the determined service); (iii) comparing the font identifiers in the text data with the fonts in the capabilities list of the designated device, to determine the font identifiers for which the designated device lacks font structure data (**Although Shiimori discloses comparing font identifiers in the text data with the capabilities list of the device, he only checks for a list of fonts supported by but not residing in the device and transmits a list of only supported font structure data. Thereby he fails to teach determining/sending the lacking font structure data. <u>The lacking font structure data is one that is not listed in the capabilities list thereby not being supported by the device</u>**); Adler however discloses sending lacking front structure data and text data to a device thereby allowing display of content and storage. See abstract & column 12, lines 33-55 states "Only those glyphs that do not already exist on the electronic device are obtained at Step 40. At step 42, the one or more glyph sub-sets are sent to the electronic device to**

allow the electronic device to display one or more glyphs…" & furthermore
disclosing updating the client profile on the local storage of the device with the
updated font structure data residing in a file. At the time of the invention it would
have been obvious for one of ordinary skill in the art to have modified the teachings
of Shiimori for sending new unsupported & non-residing font data to a client device
thereby ensuring that fonts usable by a server are also usable by any device.

 Regarding Dependent claim 26, with dependency of claim 24, Although Shiimori
discloses comparing font identifiers in the text data with the capabilities list of the
device, he only checks for a list of fonts supported by but not residing in the device
and transmits a list of only supported font structure data. Thereby he fails to teach
determining/sending the lacking font structure data. The lacking font structure data
is one that is not listed in the capabilities list thereby not being supported by the
device); Adler however discloses sending lacking front structure data and text data
to a device thereby allowing display of content and storage. See abstract & column
12, lines 33-55 states "Only those glyphs that do not already exist on the electronic
device are obtained at Step 40. Thereby disclosing that the server receives the text data
along with attendant font structure data required to render the text data, and, in step iv,
the server operatively refrains from transferring the attendant front structure data to the
device in response to determining in the comparing step that the device already has the
attendant font structure data. At the time of the invention it would have been obvious
for one of ordinary skill in the art to have modified the teachings of Shiimori for

sending new unsupported & non-residing font data to a client device thereby
ensuring that fonts usable by a server are also usable by any device.

Regarding Dependent claim 27, with dependency of claim 24, Although Shiimori
discloses comparing font identifiers in the text data with the capabilities list of the
device, he only checks for a list of fonts supported by but not residing in the device
and transmits a list of only supported font structure data. Thereby he fails to teach
determining/sending the lacking font structure data. <u>The lacking font structure data
is one that is not listed in the capabilities list thereby not being supported by the
device</u>); Adler however discloses sending lacking front structure data and text data
to a device thereby allowing display of content and storage. See abstract & column
12, lines 33-55 states "Only those glyphs that do not already exist on the electronic
device are obtained at Step 40. At the time of the invention it would have been
obvious for one of ordinary skill in the art to have modified the teachings of
Shiimori for sending new unsupported & non-residing font data to a client device
thereby ensuring that fonts usable by a server are also usable by any device.

Regarding Dependent claim 28, with dependency of claim 24, Shiimori discloses
Determining whether any of the font identifiers in the received text data that are not
found in the font capabilities list of the designated device have equivalent counterparts
that are found in the font capabilities list of the designated device (column 4, lines 56-67
& column 5, lines 1-15).

Regarding Dependent claims 29, 32, 38 and 41, with dependency of claim 24, Shiimori discloses further comprising a step, performed before step (i), of receiving a list of client font capabilities from each of the client devices (see figs 3 & 5, wherein a list of client font capabilities from each client device is received).

Regarding Dependent claims 30, 33, 39 and 42, Shiimori discloses wherein the client devices are wireless mobile communication devices (see column 3, lines 25-60).

Regarding Independent claim 31, Shiimori discloses A method comprising the following steps performed by a server in the following order: (i) storing a client profile, the client profile comprising a font capabilities list for each of multiple client devices, each font capabilities list comprising a list of fonts for which the device has font structure data, the font structure data defining the structure in which text formatted with the respective font is to be rendered (see abstract & fig 10 & column 4, lines 16-67, disclosing a font capabilities list for each of multiple client devices and respective OS); (ii) receiving text data addressed to a designated one of the devices, the text data comprising text and font structure data for rendering the text (fig 10, numeral 92, disclosing receiving text data that includes text and font identifiers such as the font name based on the determined service); (iii) determining, from the stored capabilities list for the designated device, whether the device already has the font structure data (**Although Shiimori discloses comparing font identifiers in the text data with the capabilities**

list of the device, he only checks for a list of fonts supported by but not residing in the device and transmits a list of only supported font structure data. Thereby he fails to teach determining/sending the lacking font structure data. <u>The lacking font structure data is one that is not listed in the capabilities list thereby not being supported by the device</u>); Adler however discloses sending lacking front structure data and text data to a device thereby allowing display of content and storage. See abstract & column 12, lines 33-55 states "Only those glyphs that do not already exist on the electronic device are obtained at Step 40. At step 42, the one or more glyph sub-sets are sent to the electronic device to allow the electronic device to display one or more glyphs..." & furthermore disclosing updating the client profile on the local storage of the device with the updated font structure data residing in a file. At the time of the invention it would have been obvious for one of ordinary skill in the art to have modified the teachings of Shiimori for sending new unsupported & non-residing font data to a client device thereby ensuring that fonts usable by a server are also usable by any device.

Regarding Independent claim 34, Shiimori discloses A method comprising the following steps performed by a server in the following order: (i) storing a client profile, the client profile comprising a font capabilities list for each of multiple client devices, each font capabilities list comprising a list of fonts for which the device has font structure data, the font structure data defining the structure in which text formatted with the respective font is to be rendered (see abstract & fig 10 & column 4, lines 16-67,

disclosing a font capabilities list for each of multiple client devices and respective OS);

(ii) receiving text data addressed to a designated one of the devices, the text data comprising text and font identifiers, the font identifiers identifying which fonts to use to render the text (fig 10, numeral 92, disclosing receiving text data that includes text and font identifiers such as the font name based on the determined service);

(iii) determining which of the text data's font identifiers is not found in the designated device's font capabilities list (**Although Shiimori discloses comparing font identifiers in the text data with the capabilities list of the device, he only checks for a list of fonts supported by but not residing in the device and transmits a list of only supported font structure data. Thereby he fails to teach determining/sending the lacking font structure data. <u>The lacking font structure data is one that is not listed in the capabilities list thereby not being supported by the device</u>**); Adler however discloses sending lacking front structure data and text data to a device thereby allowing display of content and storage. See abstract & column 12, lines 33-55 states "Only those glyphs that do not already exist on the electronic device are obtained at Step 40. At step 42, the one or more glyph sub-sets are sent to the electronic device to allow the electronic device to display one or more glyphs..." & furthermore disclosing updating the client profile on the local storage of the device with the updated font structure data residing in a file. At the time of the invention it would have been obvious for one of ordinary skill in the art to have modified the teachings of Shiimori for sending new unsupported & non-residing font data to a client device thereby ensuring that fonts usable by a server are also usable by any device.

Regarding Dependent claim 35, with dependency of claim 34, Shiimori discloses wherein step iv includes determining whether another font identifier exists in the designated font capabilities list that is the same as said not found font identifier (see fig 3, wherein other font identifiers are determined in the capabilities list).

Regarding Dependent claim 36, with dependency of claim 34, Shiimori discloses wherein step iv includes determining whether the server has font structure data for said another font identifier, and step V includes transferring said font structure data for said another font identifier to the designated device (see fig 3 & 10).

Regarding Dependent claim 37, with dependency of claim 34, Shiimori discloses wherein step iv includes determining whether another server has font structure data for said another font identifier, and obtaining said font structure data from said other server, and step v includes transferring said font structure data for said another font identifier to the designated device (see abstract & fig 10, wherein font data is obtained from another server).

Regarding Independent claim 40, Shiimori discloses A method comprising the following steps performed by a server in the following order: (i) storing a font capabilities list for each of multiple client devices, each font capabilities list comprising a list of fonts for which the device has font structure data, the font structure data defining

the structure in which text formatted with the respective font is to be rendered (see

abstract & fig 10 & column 4, lines 16-67, disclosing a font capabilities list for each of

multiple client devices and respective OS); (ii) receiving text data addressed to a

designated one of the devices, the text data comprising text and font identifiers, the font

identifiers identifying which fonts to use to render the text (fig 10, numeral 92, disclosing

receiving text data that includes text and font identifiers such as the font name based on

the determined service); (iii) determining which of the text data's font identifiers is not

found in the designated device's font capabilities list (see fig 10 numeral 92 where a

search is performed for font file associated with the requested service which includes the

needed font); (iv) requesting and receiving font structure data for said not found font

identifier from another server (**Although Shiimori discloses comparing font identifiers

in the text data with the capabilities list of the device, he only checks for a list of

fonts supported by but not residing in the device and transmits a list of only

supported font structure data. Thereby he fails to teach determining/sending the

lacking font structure data. The lacking font structure data is one that is not listed

in the capabilities list thereby not being supported by the device**); **Adler however

discloses sending lacking front structure data and text data to a device thereby

allowing display of content and storage. See abstract & column 12, lines 33-55 states

"Only those glyphs that do not already exist on the electronic device are obtained at

Step 40. At step 42, the one or more glyph sub-sets are sent to the electronic device

to allow the electronic device to display one or more glyphs..." & furthermore

disclosing updating the client profile on the local storage of the device with the**

updated font structure data residing in a file. At the time of the invention it would

have been obvious for one of ordinary skill in the art to have modified the teachings

of Shiimori for sending new unsupported & non-residing font data to a client device

thereby ensuring that fonts usable by a server are also usable by any device.

It is noted that any citation [[s]] to specific, pages, columns, lines, or figures in the

prior art references and any interpretation of the references <u>should not be</u>

<u>considered to be limiting in any way</u>. A reference is relevant for all it contains and

may be relied upon for all that it would have reasonably suggested to one having

ordinary skill in the art. [[See, MPEP 2123]]

Response to Arguments

6.   Applicant's arguments filed 6/18/2010 have been fully considered but are moot in view

of the new grounds of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Manglesh M. Patel whose telephone number is (571) 272-5937.

The examiner can normally be reached on M, W 6 am-3 pm T, TH 6 am-2pm, Fr 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S. Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Manglesh M. Patel
Patent Examiner
8/24/2010

/Manglesh M Patel/
Manglesh Patel
Examiner, Art Unit 2178

/Stephen S. Hong/

Supervisory Patent Examiner, Art Unit 2178